

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN R. KINCAID,

Plaintiff,

BANK OF AMERICA
CORPORATION,

Defendant.

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) Civil Action No. 04-11522-WGY
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AFFIDAVIT OF STEVEN R. KINCAID

Steven R. Kincaid states under the penalties of perjury:

I am the plaintiff in this action. I submit this affidavit in opposition to Defendant's Motion for Summary Judgment.

2. On July 24, 2003, my then attorney Deborah Martin Norcross submitted to the Equal Employment Opportunity Commission ("EEOC") in Charlotte, North Carolina on my behalf a Charge against the Bank of America of unlawful age discrimination and retaliation.

3. I received no notice, and had no knowledge, of any disposition of the foregoing Charge by the EEOC until April 8, 2004, when I received a letter from the

EEOC enclosing a Notice of Dismissal and Notice of Right to Sue

4. The envelope containing the foregoing letter was postmarked April 5, 2004. A copy of this envelope is attached hereto

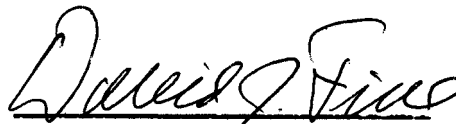
Signed under the penalties of perjury this 28th day of November 2005.


Steven R. Kincaid

Certificate of Service

I hereby certify that I have this day served the foregoing by causing true copies thereof to be transmitted electronically and mailed, first class postage prepaid, to Siobhan M. Sweeney, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, Massachusetts 02110 and Mark A. Pogue, Esq., Edwards & Angell, LLP, 2800 Financial Plaza, Providence, Rhode Island, 02903, attorneys for defendant.

Dated: November 28, 2005


David J. Fine

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202

